

SERVED: March 17, 1992

NTSB Order No. EA-3519

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C.

Issued under delegated authority (49 C.F.R. 800.24)
on the 16th day Of March, 1992

BARRY LAMBERT HARRIS,
Acting Administrator,
Federal Aviation Administration,

Complainant,

Docket SE-9445

v.

KENNETH S. RIVARD,

Respondent.

ORDER GRANTING STAY


Respondent, by counsel, has filed a motion for a stay of NTSB Order EA-3413 (served October 23, 1991), pending disposition of a petition for review of that order to be filed in the United States Court of Appeals.¹

¹In Order EA-3413, we denied respondent's appeal from a law judge's initial decision in which it was found that he had violated § 91.89(a) of the Federal Aviation Regulations during a flight occurring on October 27, 1987. In that order, we also denied the Administrator's appeal from that portion of the law judge's initial decision in which the sanction imposed for that violation was reduced from a 30-day suspension of respondent's airline transport pilot certificate to one of 20 days. While respondent's motion indicates that he seeks a stay of Board Order EA-3484 (served February 5, 1992), that order merely denied reconsideration of Board Order EA-3413. Thus, we consider the motion to be one for a stay of Order EA-3413.

It appears that good cause exists for granting the requested stay.²

ACCORDINGLY , IT IS ORDERED THAT:

The effective date of Order EA-3413 is stayed until April 5, 1992, which marks the expiration of the 60-day period within which a petition may be filed with the Court of Appeals. If such a petition is filed, the stay will continue in effect until the court enters judgment on the petition.


Daniel D. Campbell
General Counsel

²No reply to respondent's motion has been submitted by the Administrator.